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| 09/647,711 | 10/04/2000 | Stephen L Corley | 36-1377 | 2382 |
| 23117 7590 06/11/2008 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203 | | | | |
| EXAMINER | | | | |
| HO, BINH VAN | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/647,711

Applicant(s)

CORLEY ET AL.

Examiner

BINH V. HO

Art Unit

2163

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. This is a response to amendment filed 11/07/2007.

2. In view of the Appeal Brief filed on 11/07/2007, PROSECUTION IS
HEREBY REOPENED. A new ground of rejection is set forth below.

If an appellant wishes to reinstate an appeal after prosecution is reopened, appellant must file a new notice of appeal in compliance with 37 CFR 41.31 and a complete new appeal brief in compliance with 37 CFR 41.37. Any previously paid appeal fees set forth in 37 CFR 41.20 for filing a notice of appeal, filing an appeal brief, and requesting an oral hearing (if applicable) will be applied to the new appeal on the same application as long as a final Board decision has not been made on the prior appeal. If, however, the appeal fees have increased since they were previously paid, then appellant must pay the difference between the current fee(s) and the amount previously paid. Appellant must file a complete new appeal brief in compliance with the format and content requirements of 37 CFR 41.37(c) within two months from the date of filing the new notice of appeal. See MPEP § 1205.

Response to Arguments

3. **Applicant Argues:**

There is no teaching or suggestion in McComb of the specifically recited features of the independent claims. For example, as acknowledged by the Examiner in numerous Office Actions, there is no teaching or suggestion in McComb of the feature

of a search tool operable to receive a user constructed database query and search the query store for a previously constructed query that resembles said user constructed database query. It is respectfully submitted that the claimed feature of "selecting between the user constructed query and a previously constructed database query resembling the user constructed query *located by the search tool*" likewise cannot be disclosed by McComb (i.e., if there is no teaching or suggestion of the search tool, there can be no selection between items where one of the items is identified or selected by a search tool).

Examiner Responds:

After reconsidering the prior art in light of Applicant's arguments received 11/07/2007, the Examiner agrees with the Applicant that McComb fails to explicitly teach or disclose *a search tool operable to receive a user constructed database query and search the query store for a previously constructed query that resembles said user constructed database query, and "selecting between the user constructed query and a previously constructed database query resembling the user constructed query located by the search tool"*.

However, the Examiner respectfully disagrees with the Applicant that the claims are now in condition for allowance. After conducting a further search of the prior art, the Examiner discovered U.S. Patent 6,411,950 issued to Moricz et al. It appears that the Moricz et al. discloses *a search tool operable to receive a user constructed database query and search the query store for a previously constructed query that resembles said user constructed database query, and "selecting between the user*

constructed query and a previously constructed database query resembling the user constructed query *located by the search tool*", (Fig. 1, 3-5).

The Examiner asserts that Moricz discloses and/or suggests each and every element of the Applicant's claimed invention. Therefore, the claims remain rejected under 35 U.S.C. 102(e).

4. **Applicant Argues:**

There is no teaching or suggestion in Culliss of the specifically claimed features of a search tool operable to search a query store for a previously constructed database query that resembles a user constructed database query, or of selecting between the user constructed query and the previously constructed query identified by the search tool, and submitting the query thus selected to the database. Moreover, it is worth noting that there is no teaching or suggestion in Culliss of searching for a previously constructed query and offering this previously constructed query that is similar to the user constructed query as an alternative query. Culliss merely uses generic categories of search (e.g., shoes) and applies relevancy score to the results of the search based on user data.

In one instance, according to Culliss, the user may be presented with or suggested to use queries that may use related key terms or that contain the original query or portions thereof. The system may also identify other narrower related queries (see, e.g., paragraphs [0060] - [0066]) to assist the user in refining their search. However, there is no teaching or suggestion of the feature of selecting between these

alternative queries and the user constructed query. In another instance, Culliss teaches displaying results for both the user constructed query and alternative narrower queries (see, e.g., paragraphs [0068] - [0072]). However, this is not a selection between the different alternative queries, but merely a ranked display of the results obtained by all queries. This is the opposite of selection. There is no selection whatsoever performed by the system of Culliss. Therefore, Culliss does not provide the claimed query submission means, and thus cannot render the claimed invention obvious.

Examiner Responds:

After reconsidering the prior art in light of Applicant's arguments received 11/07/2007, the Examiner agrees with the Applicant that Culliss fails to explicitly teach or disclose a search tool operable to search a query store for a previously constructed database query that resembles a user constructed database query, or of selecting between the user constructed query and the previously constructed query identified by the search tool, and submitting the query thus selected to the database.

However, the Examiner respectfully disagrees with the Applicant that the claims are now in condition for allowance. After conducting a further search of the prior art, the Examiner discovered U.S. Patent 6,411,950 issued to Moricz et al. It appears that the Moricz et al. discloses a search tool operable to search a query store for a previously constructed database query that resembles a user constructed database query, or of selecting between the user constructed query and the previously

constructed query identified by the search tool, and submitting the query thus selected to the database (Fig. 1, 3-5).

The Examiner asserts that Moricz discloses and/or suggests each and every element of the Applicant's claimed invention. Therefore, the claims remain rejected under 35 U.S.C. 102(e).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-12 , and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Moricz (US 6,411,950).

(Claims 1, 6, and 14)

Moricz discloses in figures 1, 3-5, a database access tool comprising a database (110); means for a user to construct database queries (query into more specific queries for searching stored records. The method includes the step of generating a phrase list. This phrase list can be constructed by receiving a number of queries from various users", col. 2, lines 19-34); a query store for storing previously constructed database queries, said query store being separate from said database ("A log-file is created by

capturing all user queries transmitted to the search engine", col. 3, lines 23-40); a search tool operable to receive a user constructed database query ("the user transmits a query to the database search engine step 400", col.5, lines 40-45) and search the query store for a previously constructed database query that resembles said user constructed database query ("The index is then searched for any refinement of the query. Step 410. Whether a refinement is found or not, the search engine performs a search based upon the query. Step 420. This search can be done before, after or simultaneously with the index being searched. Next, it is determined whether a refinement is available. Step 450", col. 45-51); and query submission means for selecting between the user constructed query and a previously constructed database query resembling the user constructed query located by the search tool from the query store, and for submitting the selected query to said database ("in step 450 there is a refinement in the index the "yes" branch is followed and both the results of the search and the list of refinements are displayed. Step 460.", col. 5, lines 54-57; "the user is next given the option of running a new search using any of the refinements from the displayed list. Step 470. If the user chooses to run a new search with the refinements the "yes" branch is followed and the above steps are repeated with the user's chosen refined query. Thus, a user can traverse the entire list of refinements for a particular query and each time find a more focused query than the time before", col. 6, lines 5-12; Abstract).

(Claims 2, and 8)

Moricz discloses wherein the means for constructing database queries comprises user input means for loading data to at least one data field in a database query ("the user transmits a query to the database search engine step 400", col.5, lines 40-45) and the search tool comprises means to calculate a similarity factor between the data fields in database queries stored in the query store and at least one data field in a user constructed database query ("Depending on the number of possible refinements, the displayed list may be shortened for aesthetic or management reasons. The list may also be arranged in a variety of ways, such as according to the query frequency of each refinement in the list.", col. 5, lines 57-67 and col.6, lines 1-4).

(Claims 3, and 9-10)

Moricz discloses wherein the query store and the search tool are constructed according to use of case based reasoning (CBR) and the means for constructing database queries does so to construct a query as a case ("A log-file is created by capturing all user queries transmitted to the search engine", col. 3, lines 24-39; col. 5, lines 54-57).

(Claims 4, 11)

Moricz discloses wherein management information data is collected in use of the tool to submit queries to the database, the tool further comprising means for collecting said management information, structuring the management information for a respective

query in the same manner as a database query constructed by the tool and loading the structured management information to a management information data store, said management information data store being searchable by means of the search tool (col. 3, lines 24-39; col. 5, lines 40-67).

(Claims 5, and 12)

Moricz discloses further comprising a data store for storing previous results associated with previous database queries and wherein the search tool is further operable, when a previously constructed query is identical or similar to the user constructed query is selected, to return the results stored in the data store that are associated with the selected previously constructed query ("in step 450 there is a refinement in the index the "yes" branch is followed and both the results of the search and the list of refinements are displayed. Step 460.", col. 5, lines 54-57; "the user is next given the option of running a new search using any of the refinements from the displayed list. Step 470. If the user chooses to run a new search with the refinements the "yes" branch is followed and the above steps are repeated with the user's chosen refined query. Thus, a user can traverse the entire list of refinements for a particular query and each time find a more focused query than the time before", col. 6, lines 5-12; Abstract).

(Claim 7)

Moricz discloses wherein the step of constructing a database query comprises a user loading data to at least one data field in a database query ("log-files, such as the one created by the Alta Vista search engine, capture each query in the exact format as was entered by the user. Thus, in this type of log-file, all punctuation, capitalization and quotations are preserved. Depending on the popularity of the particular search engine, a log-file may grow to contain a large number of entries. Accordingly, to efficiently store the log-file, the data may be manipulated and stored according to data handling techniques. If necessary, the log-file can be stored in distributed storage 250", col. 3, lines 24-39).

Inquiry

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh V. Ho whose telephone number is 571 272 8583. The examiner can normally be reached on M-F from 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K. Wong can be reached on 571 272 1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Binh V Ho
Examiner
Art Unit 2163

/don wong/

Supervisory Patent Examiner, Art Unit 2163